applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently claims 1-5 and 9-11, directed to a method of treating non-ischemic heart failure, with traverse and without prejudice.

The PTO alleges that unity of invention is destroyed by the Morgan et al publication, but applicants respectfully disagree. More particularly, the Office Action states that Morgan et al teaches a method of treating metastatic breast cancer and associated cardiac disorders, e.g., congestive heart failure, comprising administering G-CSF. Therefore, it is held that the inventions listed as Groups I and II do not relate to a single general inventive concept. However, in the ABSTRACT of Morgan et al, there is a description of "using Filgrastim (granulocyte colony-stimulating factor) for hematological support".

It is also described on page 2393 of the citation, in the right-hand column, lines 4-10, that "G-SCF 5 μg/kg/day was administered once daily, i.v., beginning 24 h following the cyclophosphamide infusion, until the total WBCs reached 10,000/μl for 3 consecutive days. Patients remaining granuolcytopenic (absolute granulocyte count, <500/μl) for > 10 day received a dosage escalation of G-CSF to 10 μg/kg/day."

It is apparent from these descriptions that the G-CSF is used for the treatment of granulocytopenia, but is not used for the treatment of cardiac disease. That is, G-CSF is used for treating a side effect caused by an anti-tumor agent treatment. Therefore, it should be clear that Morgan et al does not describe the common technical feature of the present invention shared by both groups.

As the Morgan citation does not destroy unity of invention, whereby the claims of the present application conform with PCT Rules 13.1 and 13.2, the requirement should be withdrawn and claim 8 should be examined along with the elected claims. Such are respectfully requested.

Even if restriction were proper in this case, respectfully denied by applicants as pointed out above, the examiner should nevertheless be guided by the second paragraph of MPEP 803 which **requires** examination of an entire application, even when the requirement is correct, if it would not constitute a serious burden to do so. No separate classification has been demonstrated, and it is believed that there is no separate classification.

Moreover, a complete search of elected Group I would clearly cover non-elected claim 8, whereby the search of claim 8 would not constitute any additional burden. And the burden

of then examining claim 8 would be minimal at best, and not a "serious" burden.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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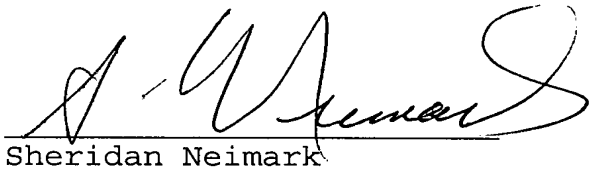
By 
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